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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,701	04/10/2001	Rajarshi Das	YOR20010151US1	1772

35195 7590 12/11/2003

FERENCE & ASSOCIATES  
400 BROAD STREET  
PITTSBURGH, PA 15143

EXAMINER
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AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

Applicant(s)

09/029781

PAN

Examiner

Alber, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 7 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/10/01
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.

- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: 6

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### DETAILED ACTION

1. Claims 1-49 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-49 are rejected under 35 USC 103(a) as unpatentable over Kane(US Pat. No: 6,317,728) in view of Bigus(US Pat. No: 6,401,080).
4. As per claims 1-49, Kane teaches a securities trading system(Abstract)(Fig 1-22)(col 1 line 46-col 3 line 62).Kane also teaches executing devices(Fig 1/11) utilizing the Internet(Fig 1/27) Kane further teaches an intent to purchase(Fig 2/101) and intent to sell(Fig 2/100) with appropriate orders.Kane teaches the Wealth Wizard process(Fig 3) which includes updating the agents(Fig 3/8) which includes trade and quote information and managing a position to optimize the return(Fig 3/6) as well as monitoring one's assets to see if another position may be taken(Fig 3) and which also includes agents voting to take a position(Fig 3/1). Kane also teaches sending the analyzed order /confirmation to the broker or specialist(Fig 3/9). Kane further teaches trade information transmission(Fig 4) as well as portfolio information and account information(Fig 4). Kane teaches a paradigm for learning from success for a long order(Fig 5)

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and for a short order(Fig 6) for the voting agents.Kane further teaches verification of funds available to buy shares(Fig 8) and a collective decision by agents in a voting schema as well as hold/sell decisions(Fig 9) and hold/sell evaluation(Fig 10).Kane teaches analyzing with a strategy the buy/sell short data from portfolio through account transactions(Fig 12a) and parsing the portfolio(Fig 12b).Kane further teaches learning from error on a long order flow(Fig 16) and on a short order flow(Fig 17). In addition to that taught by Kane, Bigus further teaches intelligent agents with negotiation capability(Abstract)(Figs 1-14).Bigus also teaches an agent manager(Fig 2/32) and a mobile agent(Fig 2/100) and a negotiating agent(Fig 2/95). Bigus further teaches an agent with a knowledge base(Fig 4/104) and a value determination function(Fig 4/200) and a negotiation(Fig 4/118). Bigus also teaches an agent mission database(Fig 3/44) and agents(Fig 3/42) as well as a transaction history database(Fig 3/82) and a negotiating program(Fig 3/74).Bigus teaches agent negotiation(Fig 5/120) which includes computing the offer price(Fig 5/122) and making an offer at the offer price(Fig 5/124) and calculating the offer duration(Fig 5/126) and setting the timer(Fig 5/127) and receiving a response(Fig 5/132) and calculating a wait time on a counteroffer(Fig 5/138) and determining to complete transaction(Fig 5/134) to lead to a complete negotiation. Bigus furthermore teaches in computing the offer price(Fig 6) determining the value of the desired transaction(Fig 6/140) and adjusting the value of the previous asked price(Fig 6/142) and adjusting the value of the previous bid price(Fig 6/144) and detecting the real price of the other party(Fig 6/145) and calculating the maximum price(Fig 6/146) and the minimum price(Fig 6/148).Bigus further teaches an algorithm for the offer

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duration period(Fig 7/158).Bigus also teaches determining whether to complete a transaction(Fig 8/132) as well as determining whether to counteroffer(Fig 9/136). It would have been obvious to one skilled in the art at the time of the invention to combine Kane in view of Bigus to teach applicant's disclosure. The motivation to combine is to teach a securities system with an automated bidding agent which has adaptive and secure and efficient negotiation skills for conducting transaction on behalf of a client as enunciated by Bigus(col 3 lines 43-45).

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 47-49 are further rejected under 35 USC 101 for failing to define a concrete,useful and tangible result.

***Conclusion***

7. **THIS ACTION IS MADE NON-FINAL.**

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8. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.


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The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

  
December 8, 2003

**DR. GEOFFREY R. AKERS, D.F.**  
**PRIMARY EXAMINER**